



**Linda S. Adams**  
*Secretary for  
Environmental  
Protection*

# California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards



**Arnold Schwarzenegger**  
*Governor*

Certified Mail: 7003 1680 0000 6174 8104

October 12, 2006

Mr. Doug Ames, Director  
Lassen County Environmental Health  
1445B Paul Bunyan Road  
Susanville, California 96130

Dear Mr. Doug Ames:

The California Environmental Protection Agency (Cal/EPA) conducted a program evaluation of Lassen County Environmental Health's Certified Unified Program Agency (CUPA) on September 20, 2006. The evaluation was comprised of an in-office program review. The State evaluator completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff, which includes identified deficiencies, preliminary corrective actions, and timeframes. Two additional evaluation documents are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation.

The enclosed Summary of Findings is now considered Final and based on review, I find that Lassen County Environmental Health's program performance is satisfactory with some improvement needed. To complete the evaluation process, please provide quarterly reports to Cal/EPA of your progress toward correcting the identified deficiencies. Submit your quarterly reports to Kareem Taylor by the 15<sup>th</sup> of the month following each quarter. The first report of progress is due by January 15, 2007.

Cal/EPA also noted during this evaluation that Lassen County Environmental Health has worked to bring about a number of local program innovations, including the use of non-county resources to identify facilities that may require regulation by the CUPA. We will be sharing this innovation with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at [jbohon@calepa.ca.gov](mailto:jbohon@calepa.ca.gov).

Sincerely,

Don Johnson  
Assistant Secretary  
California Environmental Protection Agency

Enclosure  
Cc: See next page

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cc: Mr. Martin Winston, CUPA Manager (Sent Via Email)  
Lassen County Environmental Health  
1445B Paul Bunyan Road  
Susanville, California 96130

Mr. Kevin Graves (Sent Via Email)  
State Water Resources Control Board  
P.O. Box 944212  
Sacramento, California 94244-2102

Mr. Charles McLaughlin (Sent Via Email)  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, CA 95812-0806

Ms. Vickie Sakamoto (Sent Via Email)  
Office of the State Fire Marshal  
P.O. Box 944246  
Sacramento, California 94244-2460

Mr. Moustafa Abou-Taleb (Sent Via Email)  
Governor's Office of Emergency Services  
P.O. Box 419047  
Rancho Cordova, California 95741-9047

## **Deficiencies and Corrective Actions**

1. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

2. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

3. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

4. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here



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## **CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION** **SUMMARY OF FINDINGS**

### **CUPA: Lassen County Environmental Health**

**Evaluation Date: September 20, 2006**

### **EVALUATION TEAM**

**Cal/EPA: Kareem Taylor**

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Kareem Taylor at (916) 327-9557.

	<b><u>Deficiency</u></b>	<b><u>Preliminary Corrective Action</u></b>
<b>1</b>	<p>The CUPA did not report information for the UST program element on their Annual Summary Reports (Reports 2 through 4) for FY 04/05.</p> <ul style="list-style-type: none"> <li>In Report 2, the CUPA did not report its total USTs and UST facilities; however, Report 3 shows that the CUPA regulates, through it participating agency (PA), 18 UST facilities. All 18 UST facilities have been inspected.</li> <li>In Report 3, the CUPA reported 18 UST facilities that Returned to Compliance (RTC); however, there are no violations or enforcement actions reported for UST facilities in Report 4.</li> </ul> <p><b>Citation:</b> <b>Title 27, Section 15290 (a)</b></p>	<p>By September 30, 2006, correctly report the following information into the Annual Summary Reports 2 through 4 for FY 05/06. Please report Annual Summary Report information correctly for all subsequent reports.</p> <ul style="list-style-type: none"> <li>Retrieve UST program element information from the Lassen Agricultural Commissioner's office and report the information accurately into Annual Summary Reports 2 through 4.</li> </ul> <p>Instructions for completing the Annual Summary Reports can be found at: <a href="http://www.calepa.ca.gov/CUPA/Publications/">www.calepa.ca.gov/CUPA/Publications/</a></p>
<b>2</b>	<p>The CUPA has not fully implemented the Single Fee System. Currently, the Agricultural Commissioner, the PA for Lassen County CUPA, bills and collects CUPA fees from UST facilities. The PA remitted</p>	<p>By June 1, 2007, the CUPA shall fully implement the Single Fee System by billing and collecting all UP fees, including fees from UST facilities.</p>

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	<p>state surcharge fees to the state on April 2002; however, it is unclear if the PA collected and remitted the correct amount of state surcharge fees to the state. The PA has a policy to send state surcharge fees to the state every five years. This is not consistent with the intent of the regulations. In a letter (dated April 20, 2004) and in a question/answer correspondence, the CUPA was notified that it must implement the Single Fee System for all six program elements. This means that the CUPA must bill and collect all fees pertaining to Unified Program (UP) activities. The CUPA is also responsible for remitting the state surcharge portion of the fees collected to the state on a quarterly basis. Fees collected on behalf of the PA must be remitted to the PA within 45 days of receiving fees designated for the PA unless the participating agency and CUPA agree in writing to an alternate schedule.</p> <p><b>Citation:</b> <b>Title 27, Section 15210 (a)</b></p>	<p>The CUPA shall remit the surcharge portion of the CUPA fees collected to the state on a quarterly basis.</p> <p>The CUPA has five years from the date of certification to transition from a multiple fee system into a Single Fee System. The June 1, 2007, date to correct this deficiency is consistent with the 5 year timeframe mandated by the Title 27 regulations.</p>
3	<p>The CUPA does not have an area plan. This deficiency was identified during the October 2004 evaluation. A CUPA staff member is currently working on an area plan. A draft copy was presented during the evaluation. The CUPA expects the area plan to be completed by September 2007.</p> <p><b>Citation:</b> <b>HSC, Chapter 6.95, Section 25503 (c)</b></p>	<p>By September 1, 2007, or before, submit Lassen County CUPA's completed area plan to OES attention: Jack Harrah</p> <p><b>Address:</b> <b>Governor's Office of Emergency Services</b> <b>P.O. Box 419047</b> <b>Rancho Cordova, California 95741-9047</b></p> <p><b>Phone: 916-845-8759</b></p>
4	<p>The CUPA is not documenting that all facilities that have received a notice to comply citing minor violations have returned to compliance within 30 days of notification. In the facility files reviewed, no recorded certification of return to compliance was found for facilities cited for minor violations. This</p>	<p>The CUPA shall immediately begin documenting certification of return to compliance for facilities cited for minor violations.</p>

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	deficiency was identified during the October 2004 evaluation.  <b>Citation:</b> <b>HSC, Chapter 6.5, Section 25187.8(h)</b>	
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**CUPA Representative** \_\_\_\_\_  
(Print Name) (Signature)

**Evaluation Team Leader** \_\_\_\_\_  
(Print Name) (Signature)

Certified Unified Program Agency (CUPA)  
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**PROGRAM OBSERVATIONS AND RECOMMENDATIONS**

*The observations and recommendations provided in this section simply address those areas not specifically required of the CUPA by regulation or statute and are provided for continuous program improvement only.*

1. **Observation:** On the facility inspection reports reviewed, none contain a signed consent to inspect by a facility owner/operator. Signed consent on the inspection report is important because it strengthens any potential enforcement case against a noncompliant facility.

**Recommendation:** On the inspection report, add a space where an owner/operator can grant consent by signing his/her name on the inspection report. The CUPA will then be documenting consent to inspect.

2. **Observation:** Most of the violations found by the CUPA are classified as minor and are corrected through informal enforcement. The type of informal enforcement includes phone calls, face-to-face conversations, and office hearings held by the CUPA. The CUPA states that formal enforcement has not been necessary for the correction of violations because informal enforcement has been sufficient. When formal enforcement is needed, the CUPA has the option to contact the County Council. Should the County Council reject an enforcement case, the CUPA does not have another means to implement formal enforcement on a noncompliant facility.

**Recommendation:** The CUPA should consider implementing the Administrative Enforcement Order (AEO) process. A draft version of the AEO guidance has been completed and can be forwarded to the CUPA.

3. **Observation:** The CUPA's newest inspection report now includes a convenient Return to Compliance form on the back that will allow a facility owner/operator to easily submit certification of return to compliance to the CUPA. The inspection report does not segregate the violation classifications (Class I, Class II, and minor violations).

**Recommendation:** The CUPA should consider modifying its inspection report to clearly distinguish between the types of violations identified (Class I, Class II and minor violations) at a facility.



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**EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION**

1. The CUPA has a good working relationship with its regulated community. This elicits a greater desire from owners/operators of regulated facilities to return to compliance in a timely fashion when a violation is identified.
2. The inspection frequencies for all program elements are consistent with regulatory requirements.
3. The CUPA used a phone book and other sources to generate a list of facilities that might need to be regulated by the CUPA. Approximately 400 mailers were sent out in FY 04/05 which generated 158 responses. These respondents are now regulated by the CUPA.